

UNITED STATES FEDERAL COMMUNICATIONS COMMISSION

In the Matter of	)	EB Docket No. 02-21
)	
Peninsula Communications, Inc.)	
	)	File No. EB 01-1H-0609
Licensee of stations	)	FRN: 0001-5712-15
KGTL, Homer, Alaska;	)	Facility ID Nos. 52152
KXBA(FM), Nikiski, Alaska;	)	86717
KWVW-FM, Homer, Alaska; and	)	52145
KPEN-FM, Soldotna, Alaska.	)	52149
)	
Licensee of FM translator stations)	
K292ED, Kachemak City, Alaska;	)	52150
K285DU, Homer, Alaska;	)	52157
K285EG and K272DG, Seward, Alaska	)	52158 and 52160
)	
Former licensee of FM translator)	
stations)	
K285EF, Kenai, Alaska;)	
K283AB, Kenai/Soldotna, Alaska;)	
K257DB, Anchor Point, Alaska;)	
K265CK, Kachemak City, Alaska;)	
K272CN, Homer, Alaska; and)	
K274AB and K285AA, Kodiak, Alaska)	

Witness: Eileen Becker

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Place: Homer, Alaska

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HERITAGE REPORTING CORPORATION

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Before the
Federal Communications Commission
Washington, D.C. 205545

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DEPOSITION OF EILEEN BECKER

August 15, 2002

Pursuant to Notice, the deposition of Eileen Becker was taken before Merriam Warrington, Notary Public in and for the State of Alaska, and Reporter for H & M Company, at Homer, Alaska, on the fifteenth day of August, 2002, beginning at the hour of 1:00 p.m.

Heritage Reporting Corporation
(202) 628-4888

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P R O C E E D I N G S

August 15, 2002

(On record at 1:02 p.m.)

THE REPORTER: On record. My name is Merriam Warrington, I am the recording clerk for H & M Company who is taking this deposition today for Kron Associates Reporting. Today's date is Thursday, August 15, 2002, and the time is 1:02. We are taking this deposition at the Best Western Bidarka Inn, 575 Sterling Highway, Homer, Alaska 99603.

The case is before the Federal Communications Commission, Washington, D.C., EB Docket Number 02-21, File Number EB 01-1H-0609, FRN 0001-5712-15, in the matter of Peninsula Communications, Incorporated. The deponent's name is Eileen Becker. Would counsel please identify themselves for the record?

MS. LANCASTER: My name is Judy Lancaster, I am an attorney for the Federal Communications Commission. With me is Mr. Jim Shook who also is an attorney with the Federal Communications Commission.

MR. SOUTHMAYD: This is Jeff Southmayd, Southmayd and Miller, Washington, D.C., counsel to Peninsula Communications, Inc.

THE REPORTER: Are there any stipulations to go on the record today?

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1 MS. LANCASTER: No.

2 THE REPORTER: Would you please raise your right hand?

3 MS. BECKER: Uh-huh (affirmative).

4 (Oath administered)

5 MS. BECKER: I do.

6 EILEEN BECKER

7 a witness, called for examination by counsel on behalf
8 of the Federal Communications Commission, being first duly
9 sworn, examined and testified as follows:

10 THE REPORTER: Okay. Would you please state your name.

11 THE WITNESS: It's Eileen Becker, E-I-L-E-E-N, Becker,
12 B-E-C-K-E-R.

13 THE REPORTER: And your address?

14 THE WITNESS: Post Office Box 109, Homer.

15 THE REPORTER: 99603?

16 THE WITNESS: Uh-huh (affirmative). That's right.

17 THE REPORTER: And your phone number?

18 THE WITNESS: Area code (907) 235-7526.

19 THE REPORTER: Okay. And your occupation?

20 THE WITNESS: Mainly I'm a homemaker.

21 THE REPORTER: Very good. Thank you. Counsel, you may
22 proceed.

23 DIRECT EXAMINATION

24 BY MS. LANCASTER:

25 Q Good morning Ms. Becker.

- 1 A Good afternoon.
- 2 Q Or good afternoon. Well, we know where my mind is.
- 3 Good afternoon, you're right. You may remember, my
- 4 name is Judy Lancaster.....
- 5 A Yes, I do.
- 6 Q I believe we met yesterday.
- 7 A Yes.
- 8 Q I have a couple of preliminary questions to ask you.
- 9 First of all, have you ever had a deposition taken
- 10 before?
- 11 A No.
- 12 Q Or have you attended one before?
- 13 A Other than just David's.....
- 14 Q Okay.
- 15 A the other day.
- 16 Q Okay. Well, as you know from that one, what I'm going
- 17 to do is ask you some questions and you just need to
- 18 answer me as completely as you can and truthfully. If
- 19 you don't understand a question then just tell me you
- 20 don't understand it, ask me to explain it, if you
- 21 didn't hear me clearly ask me to repeat it. I'm not
- 22 trying to trick you in any way, okay?
- 23 A Okay.
- 24 Q Your responses need to be verbal, you -- clearly
- 25 verbal, you can't say uh-huh and unh-unh because the

1 tape doesn't pick that up.....

2 A Okay.

3 Qso you need to say yes and no or whatever. Are
4 you on any medication that would affect your testimony
5 today?

6 A No.

7 Q Any other reason that you are unable to testify.....

8 A No.

9 Qtoday? Okay. The phone number that you gave, is
10 that your home phone number or your work phone number?

11 A Yes, it's home.

12 Q Okay. You're married to Mr. David Becker, right?

13 A Yes.

14 Q When did you get married?

15 A August 21, 1975.

16 MR. BECKER: '65.

17 THE WITNESS: '65, that's right. You're not supposed
18 to say anything.

19 Q It's just been so idyllic it doesn't seem like it's
20 been.....

21 A It goes fast.

22 Q that long, right?

23 A No, we had kids by then.

24 MR. SHOOK: Excuse me for laughing.

25 Q And you have children?

- 1 A Yes.
- 2 Q How many children?
- 3 A Six.
- 4 Q Wow, you and my co-counsel here both have a lot of
5 kids. And what are the ages of your children?
- 6 A Our oldest son is 33, we have identical twins that are
7 30, the next biological son is 25 and then we took
8 guardianship on a 26 year old son and then we adopted
9 our daughter when she was two and she's now 18.
- 10 Q Some of the documents that I read indicated that you
11 had several employees -- formerly had several employees
12 by the name of Becker. Were those your children, PCI?
- 13 A Probably so, yes.
- 14 Q Okay. And what type of education have you had?
- 15 A I finished high school.
- 16 Q Okay. How about work history, did you work other than
17 at PCI?
- 18 A Yes, when I met David I was working at the County Tax
19 Collector's Office in San Luis Obispo and after we
20 married I continued on till he finished college. And
21 then I worked part-time for different things within the
22 City of Santa Barbara until I got pregnant. And then
23 the next thing we did was running a hotel business
24 together, we did that -- started that 30 years ago.
25 And we.....

- 1 Q Where was the hotel?
- 2 A Right down the road here, it's Heritage Hotel, it's a
- 3 historical log cabin on Pioneer Avenue. And it was the
- 4 Heady Hotel when we bought it. We did that for seven
- 5 long years.
- 6 Q And you sold that.....
- 7 A Yes.
- 8 Qhotel?
- 9 A Yes, we did.
- 10 Q When did you sell it?
- 11 A David?
- 12 MR. BECKER: 1980.
- 13 Q We're doing a dual deposition here evidently.....
- 14 A He knows numbers, I don't.
- 15 Qtoday. Okay. You have -- prior to becoming
- 16 involved with Peninsula Communications, which I
- 17 sometimes refer to as PCI.
- 18 A That's fine.
- 19 Q So if I'm saying PCI I want to make sure you understand
- 20 what I mean. Did you have any radio or broadcast
- 21 background at all?
- 22 A None.
- 23 Q What is -- do you make a salary or have any kind of
- 24 income from PCI?
- 25 A No.

- 1 Q Mr. Becker does I'm assuming, is that correct?
- 2 A When it's available, yes.
- 3 Q What does that mean?
- 4 A Well, our staff and our bills get paid first. And
- 5 there are times when we don't get salary.
- 6 Q How often does that occur?
- 7 A Just depends on the time of the year. You know, I -- I
- 8 don't have a schedule in front of me, but it does
- 9 happen.
- 10 Q What would your -- Mr. Becker's annual income generally
- 11 be from PCI?
- 12 A Lately it's been under \$40,000.00.
- 13 Q What's lately?
- 14 A Within the last probably four years.
- 15 Q What's the most that he's made, do you know?
- 16 A I'm not really sure. I'd have to go back on the books.
- 17 Probably maybe \$85,000.00 to \$90,000.00 in a good year.
- 18 Q Do you have any perks -- as what I'm calling perks from
- 19 PCI, for example is your house paid -- is that in the
- 20 name of PCI or somehow.....
- 21 A No.
- 22 Qyou have payment.....
- 23 A No.
- 24 Q help on that? How about car, vehicle, that
- 25 either you or Mr. Becker drive?

- 1 A We make payments on those.
- 2 Q Okay, so they're not leased or paid for.....
- 3 A No.
- 4 Qthrough PCI either.
- 5 A No.
- 6 Q Okay. And you are the Secretary Treasurer.....
- 7 A That's right.
- 8 Qof PCI, is that correct?
- 9 A Yes, uh-huh (affirmative).
- 10 Q Have you been the Secretary Treasurer since PCI's
- 11 inception?
- 12 A No, unh-unh (negative).
- 13 Q Okay. How long have you done it?
- 14 A Just since our partnership was dissolved with the
- 15 Goodwins. And that was probably about two years after
- 16 we went into business.
- 17 Q Which would be 1980 approximately, is that correct?
- 18 A '81.
- 19 Q '81 for Goodwins?
- 20 MR. BECKER: '82.
- 21 A '82.
- 22 Q Okay. I'm a little bit slow because I write my notes
- 23 on the computer. The -- PCI was incorporated when?
- 24 A In '78.
- 25 Q Okay. And it's always been an Alaska corporation.....

- 1 A Yes.
- 2 Q is that correct?
- 3 A Yes.
- 4 Q And my understanding is that you own -- currently own
5 half of the stock?
- 6 A I have 50 percent, yes.
- 7 Q Do you actively participate in the business decisions
8 of PCI?
- 9 A The big ones I do, the day to day things I don't.
- 10 Q What would be considered a big decision?
- 11 A Probably a format change or adding another station or
12 taking out a loan or just doing a major -- major change
13 in some area, buying a large piece of equipment or, you
14 know.
- 15 Q How about matters that concern the FCC, do you
16 participate in those.....
- 17 A No.
- 18 Q types of decision?
- 19 A No. No, I have -- I have working knowledge of what's
20 going on but I don't have any of the technical. I
21 always look everything over but, you know, it's just -
22 - just so I can be -- stay up on -- on kind of what's
23 happening.
- 24 Q Do you recall when Bruce Willard was a Director?
- 25 A You know, when we talked about it yesterday -- or for

1 David, I didn't even remember that he had been. It was
2 such a short time and his involvement was so limited I
3 really -- I didn't remember it until the other day.

4 But.....

5 Q And what do you remember about it?

6 A I just remember that -- I really don't. I don't even
7 remember why we brought him on. He did a program part-
8 time for us and he was just a -- a really special
9 friend and just a neat Christian man and somebody that
10 we had formed a friendship with and just seemed like
11 somebody good to -- to be able to -- to be part of our
12 lives. But his decisions with the station was, you
13 know, nothing as far as daily involvement or the
14 financial end.

15 Q He had no -- he didn't participate.....

16 A No.

17 Qin any of the decision making?

18 A No.

19 Q Was he given any stock?

20 A No, no.

21 Q Was he paid any money?

22 A No.

23 Q Do you recall -- I believe you just answered this, but
24 I'm going to ask you anyway, do you recall why he was
25 made a Director?

- 1 A No, I don't. You'd have to ask David.
- 2 Q I'd like to go over the call signs of the stations that
- 3 you've got and have you tell me the city of license and
- 4 the frequency and the range of them if you can. Okay?
- 5 W -- I'm sorry, KTGL AM, where is that station located?
- 6 A It's KGTL and that's primary to Homer and it's 620 AM.
- 7 Q And do you know how many watts that is?
- 8 A Five thousand.
- 9 Q Okay. KXBA FM.
- 10 A That's licensed to Nikiski and I'm not sure. I don't.
- 11 We just built it, I think it's 10,000 watts but I'm not
- 12 sure.
- 13 Q Do you know the frequency?
- 14 A It depends on where you're at. It's 99.3.
- 15 Q Okay.
- 16 A FM.
- 17 MR. BECKER: 93.
- 18 A Ninety-three, that's right, because the country is --
- 19 that's right, 93.3.
- 20 Q KWVV FM?
- 21 A That's licensed to Homer and that's 103.5 or 104.9 FM.
- 22 Q Do you know what the wattage is?
- 23 A Of? Of K Wave?
- 24 Q Uh-huh (affirmative).
- 25 A It's 100,000.

- 1 Q Okay. KPEN?
- 2 A That's our country station FM and it's -- it's 93.3 or
- 3 102.5. And it's licensed to Soldotna and I'm not sure
- 4 what the wattage is on that.
- 5 Q And you said that's 93.3 or 102.5?
- 6 A Or seven. We're everywhere.
- 7 Q It comes in on either, is that what you're saying?
- 8 A These are translators.
- 9 Q Okay.
- 10 A Yeah.
- 11 Q How about -- I'm going to name off the translators and
- 12 tell me what station they rebroadcast.....
- 13 A I have no.....
- 14 Qif you know.
- 15 Aidea. No, no, no, no. I hear we do the legal ID
- 16 and I hear all that but it doesn't -- I just -- I don't
- 17 do well with numbers.
- 18 Q Okay. So you wouldn't know the -- the translator in
- 19 Homer, you wouldn't know what station it's
- 20 rebroadcasting.
- 21 A The translator in Homer brings down KPEN, but I don't
- 22 know the actual call letters. I mean the -- the.....
- 23 Q No, I.....
- 24 A Yeah.
- 25 Qwhat I wanted to know, for example, K292ED is

1 licensed to Kachemak City, what does that -- what
2 station does -- is rebroadcasted over.

3 A I'm not sure.

4 Q Okay.

5 A Yeah.

6 Q What are -- do you have any duties or responsibilities
7 associated with PCI?

8 A Some.

9 Q All right, what are they?

10 A I'm the notary so I do that. If we have remotes where
11 we go to different businesses and do a remote broadcast
12 a lot of times I help with that. We usually do several
13 trade fairs and I help with that. I'm planning a staff
14 party on Monday night. I pick up the mail, make
15 deposits and probably -- I think the other big thing I
16 do is I probably keep everybody in their supplies.
17 Because they know David doesn't have that kind of time.
18 So they make lists and -- you know, I'm just overall
19 just a -- kind of mothering everybody.

20 Q When you say that you make deposits, do you collect the
21 monies.....

22 A No.

23 Q that come in?

24 A My secretary accountant does all of that. I just take
25 the checks and the deposit slips to the bank and bring

1 her back the receipts.

2 Q And who is the secretary accountant that does that?

3 A The main one in the office is Heather Lewis. She's
4 really our Traffic Manager, she's more than just a
5 bookkeeper. But she also does bookkeeping, all the
6 accounts receivable and traffic and -- yeah.

7 Q So she -- does she also do accounts payable?

8 A Yes.

9 MR. BECKER: No.

10 A Well, no, you do that, don't you? Yeah. Yeah, David
11 pays all the bills.

12 Q I would prefer if you don't know just to tell me you
13 don't know.

14 A Okay.

15 Q Because I'm trying to get what your knowledge is.

16 A Okay.

17 Q Okay?

18 A Well, I'm tense right now too, so, you know.

19 Q Okay. Well, I'm not trying to be ugly, I just.....

20 A I know, I know.

21 Q It's difficult to depose you.....

22 A Yeah.

23 Qwhen you're getting answers from somewhere else.
24 So she does the accounts receivable and the accounts
25 payable.

- 1 A No, David does the payables.
- 2 Q Okay, okay. Have your duties changed over the years?
- 3 A No, I don't think so, it's stayed about the same, it's
- 4 -- no, it's been the same.
- 5 Q Okay. Who is responsible for figuring the payroll?
- 6 A We have an outside accounting firm, we send in the
- 7 hours and she's aware of their wages and then she gives
- 8 us back what their breakdown of their salary is and
- 9 then also what we have to pay for FICA and the rest of
- 10 it.
- 11 Q And who is that?
- 12 A Her name is Kris Curtis.
- 13 Q Is she with a firm?
- 14 A She's an independent bookkeeper, yeah.
- 15 Q Okay. Here in Homer?
- 16 A Yes.
- 17 Q Does she also figure commissions?
- 18 A I'm not sure, I'm not sure how that's figured.
- 19 Q You don't -- do you know who does it?
- 20 A I think David does it.
- 21 Q Do you know what the commission amount is?
- 22 A On a monthly -- no, unh-unh (negative).
- 23 Q No, just what the percentage is for example.
- 24 A Yes, yes.
- 25 Q What's the commission percentage that salespeople.....

1 A It's 15 percent.

2 Q And they're all paid the same commission amount?

3 A Yes.

4 Q Are all sales -- all type of sales, are they paid the
5 same amount for all types of sales? In other
6 words.....

7 A No.

8 Q Okay. You understand what I'm trying to say.

9 A Yes.

10 Q Explain -- tell me what the breakdown is.

11 A Well, it's my understanding that like if it comes from
12 an agency there's a different rate. And it also
13 depends on the longevity of the -- of the contract.
14 There's not very many things that change that, but it -
15 - it -- it can be -- it can vary slightly.

16 Q Do you know what the rate is if it comes from an
17 agency?

18 A No, unh-unh (negative>. I think even that varies, I'm
19 not sure.

20 Q Do you know the approximate salary of each of the
21 salesmen.....

22 A No.

23 Qduring the last year?

24 A No. I have -- I can -- I could look it up and find
25 out, but it's -- I don't know.

1 Q Okay. Do any of the any of the salesmen receive any
2 other perks? For example, do they get a car or a house
3 or anything else like that?

4 A It -- it varies with everyone. We've had times where
5 we've had an apartment for them, we've leased cars,
6 they get gas allowance and they have operating expenses
7 that they -- they -- they get. But that's all
8 receipted and then paid back.

9 Q Do you currently have anyone that you're supplying a
10 living quarters to?

11 A No, not now.

12 Q How about currently have anyone that you're supplying a
13 vehicle to?

14 A No.

15 Q So the other expenses that you're talking about would
16 be basically for travel expenses, that sort of thing?

17 A For their -- for their operating expenses during their
18 sales time, yeah.

19 Q Okay. What would be the largest broadcast related --
20 or what's PCI's largest expense?

21 A Oh, gosh. There's several big ones that I'm aware of,
22 ASCAP and BMI, those payments, and then our utilities,
23 electricity especially. Probably our insurance.

24 Q Hold on just -- hold on, my computer just did a weird
25 thing and I got to go find where I am.

- 1 A And of course salary.
- 2 Q So you're saying utility -- it won't let me type where
- 3 I want to type, I'm sorry, hold on just a second.
- 4 Utilities, then by ASCAP and B -- I don't know what
- 5 you.....
- 6 A BMI. It's.....
- 7 Q Is that payroll taxes or something?
- 8 A No, it's -- it's -- it's payments that we have to pay
- 9 to the Mafia. No.
- 10 Q Is that the Alaska thing? No?
- 11 A No, it's -- it's what we pay to the -- the producers of
- 12 the music and
- 13 Q Oh, okay.
- 14 Aall that stuff.
- 15 MR. SOUTHMAYD: You were right the first time.
- 16 THE WITNESS: I think so too.
- 17 A And then our salary of course and insurance.
- 18 Q Now you stated that you didn't have much to -- you
- 19 don't have much to do with anything that concerns the
- 20 FCC, is that.....
- 21 A That's right.
- 22 Qwhat I understand?
- 23 A That's right.
- 24 Q Who is in -- who's responsible for FCC related matters?
- 25 A Our attorney and -- and David.

1 Q Anyone else that's employed by BM -- PCI have anything
2 to do with.....

3 A No.

4 QFCC related matters?

5 A No, unh-unh (negative).

6 Q So David and the attorney would be responsible for
7 PCI's compliance with FCC rules?

8 A That's right.

9 Q Do you participate in the discussions when they're
10 deciding on how to respond to an FCC inquiry, for
11 example, would you participate in those discussions?

12 A Not with -- not with Mr. Southmayd, but I would with
13 David. I mean we share about everything and -- and
14 then he -- he deals directly with Mr. Southmayd?

15 Q Okay. Who -- I've got a question, who's responsible
16 for the advertising billing that.....

17 A Heather does that.

18 Q Heather does all that.

19 A Uh-huh (affirmative). Yeah.

20 Q And there are monthly invoices sent out, how does that
21 work, do you know?

22 A The system that we use is called Darts. And when a
23 contract is entered in then it's put into the computer
24 for running the schedule and then it's also the
25 billing. And then that particular computer also proves